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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,204	01/08/2007	Bruno Gaus	4266-0120PUS1	8817

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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VANDEUSEN, CHRISTOPHER

ART UNIT	PAPER NUMBER
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4172

NOTIFICATION DATE	DELIVERY MODE
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09/21/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,204	<b>Applicant(s)</b> GAUS ET AL.	
	<b>Examiner</b> CHRISTOPHER K. VANDEUSEN	<b>Art Unit</b> 4172	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/15/07, 04/17/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because claim 7 should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n).

Accordingly, the claims 7-10 have not been further treated on the merits.

2. Claim 9 is objected to because of the following informalities: “(6, 7)” in line 4 of claim 9 references ducts for air intake and exhaust, but (7) is the exhaust non-return valve; this is likely meant to reference (8), the intake duct.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Berendsen European Patent 0 679 406 (already of record).

Regarding claim 1, Berendsen '406 teaches a method of cooling cleaned and disinfected objects contained in a chamber of an automatic washing machine as claimed, including: the cleaning of the items carried out using water with addition of auxiliary agents (col.4, lines 5-8), disinfecting the cleaned items with heat (col.

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3, line 55 – col. 4, line 3), air being forced into the closed chamber after the heat treatment of objects (6, 23, and 26 of figure 2 and col. 7, lines 8-31), and the exhaust air being removed through an exhaust duct while the chamber door closed (29.4, 27, 9, and X of figure 2; col. 7, lines 26-29).

Regarding claim 2, Berendsen '406 teaches a method with all limitations of claim 1 wherein the exhaust air is removed through a dedicated exhaust duct while the chamber door is closed (29.4, 27, 9, and X of figure 2 and col. 7, lines 26-29).

Regarding claim 3, Berendsen '406 teaches that an additional drying of cleaned items will take place during prolonged duration of the removal of moist exhaust air (col. 5, lines 5-8) and that the removal takes place while the chamber door is closed (col. 7, lines 23-29). It is implicit in the reference that additional discharge of residual heat will take place as more air is flushed through.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 4 — 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berendsen '406 as applied to claim 1 above, and in further view of Sanford US Patent 5,225,160.

Regarding claim 4, Berendsen '406 teaches the method of claim 1 but does not specify the use of ambient air for the cooling of objects; rather, it specifies the use of compressed air. However, Berendsen '406 additionally teaches that flushing through air accelerates the cleaning process by discharging condensation and residual heat (col. 5, lines 5-8). In an analogous art of instrument cleaning methods, Sanford '160 teaches the circulation of ambient air in cooling objects after steam sterilization (col. 5, lines 3-7) as an equivalent method of accelerating the cleaning process. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to circulate the ambient air of Stanford '160, as an alternative equivalent in the method of Berendsen '406, in order to accelerate the cleaning process.

Regarding claim 5, Berendsen '406 teaches automatic shut-off elements are provided in the exhaust air duct and in the intake air duct, respectively, for controlling the flow of intake air and exhaust air (90 of figure 1; 26 and 50 of figure 2; col. 7, lines 8-14; and col. 10, lines 40-47). It would have been obvious to so provide an automatic shut-off element for controlling the flow of intake air and exhaust air.

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Regarding claim 6, Stanford '160 additionally teaches air admitted through the air intake duct of the chamber is guided through a microfilter (80 of figure 1; col.2, lines 54-58; col. 5, lines 3-7) in order to provide decontaminated air for drying. Therefore it would have been obvious to one having ordinary skill in the art of steam sterilization to provide a sterilizing means such as a filter for the drying air in the method of Berendsen '406 and Stanford '160, in order to provide decontaminated air for drying.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER K. VANDEUSEN whose telephone number is (571) 270-5020. The examiner can normally be reached on Monday - Friday, 8:00 AM - 5 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANGELA ORTIZ can be reached on (571) 272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CKV/

***/Angela Ortiz/  
Supervisory Patent Examiner, Art Unit 4172***